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10 Technologies Inc. and Radomir Nikolajev
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CLERK OF COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JSC



Case No.: **16 80 150 MISC**

IN RE: PETITION FOR JUDICIAL
ASSISTANCE FOR THE ISSUANCE OF
SUBPOENAS PURSUANT TO 28 U.S.C. §
1782 TO OBTAIN DISCOVERY FOR USE
IN A FOREIGN PROCEEDING

DIGITAL SHAPE TECHNOLOGIES, INC.,
and RADOMIR NIKOLAJEV,

Petitioners.

DECLARATION OF RADOMIR
NIKOLAJEV IN SUPPORT OF *EX PARTE*
APPLICATION OF DIGITAL SHAPE
TECHNOLOGIES INC. AND RADOMIR
NIKOLAJEV FOR AN ORDER
PURSUANT TO 28 U.S.C. § 1782 TO
OBTAIN DISCOVERY FOR USE IN A
FOREIGN PROCEEDING

FAXED

DECLARATION OF RADOMIR NIKOLAJEV

I, RADOMIR NIKOLAJEV, hereby declare as follows:

1. This declaration is made of my own personal knowledge, except where otherwise indicated, and if called upon to testify as a witness, I could and would competently testify thereto. I submit this declaration in support of Petitioners' application for discovery from Glassdoor Inc. for use in a foreign proceeding, pursuant to 28 U.S.C. § 1782.

2. I am one of the founders Digital Shape Technologies Inc. ("DST") and have acted as President for DST for over 16 years. DST is a Canadian company that develops sophisticated financial analysis software for the alternative investment sector of the financial services industry. DST's principal place of business is in Montreal.

3. Kelly Mikulec is a former employee of DST, who worked in DST's Montreal offices.

4. For regulatory compliance purposes, DST obtains information regarding the country of citizenship of its employees. According to the records obtained by DST, Ms. Mikulec is a Canadian citizen.

5. DST and I (collectively, "Petitioners") are also the plaintiffs in *Digital Shape Technologies Inc. and Radomir Nikolajev v. Kelly Mikulec*, Case No. 500-17-080160-131, before the Quebec Superior Court, District of Montreal (the "Canadian Lawsuit").

6. In the Canadian Lawsuit, Petitioners allege that on March 7, 2013, Ms. Mikulec posted false and defamatory statements on Glassdoor about DST and myself.

7. Glassdoor operates a website which is accessible to the general public at "www.glassdoor.ca." A true and correct copy of the "about us" page from www.glassdoor.ca is attached hereto as **Exhibit A**.

8. I am informed and believe that Glassdoor's headquarters are in Mill Valley, California. A print out from the California Secretary of State website regarding Glassdoor is attached hereto as **Exhibit B**.

9. Users of Glassdoor's website are able to post reviews, ratings, and comments with respect to their past or current employers. Glassdoor includes such reviews, ratings, and comments for many Canadian employers. A true and correct copy of pages printed from Glassdoor's Canadian

1 website (<https://www.glassdoor.ca>) showing reviews of Montreal businesses are attached hereto as
2 **Exhibit C.**

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct and that this declaration was executed on July 15, 2016 at Montreal, Quebec.

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8 RADOMIR NIKOLAJEV
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